

DAVID L. SKELTON, TRUSTEE #96250
 525 B STREET, SUITE 1430
 SAN DIEGO, CA 92101
 (619) 338-4006

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 325 WEST F STREET, SAN DIEGO CA 92101-6991

In Re YACOUB ISSA ZARAFILI SAMIRA YACOUB ZARAFILI 5666 BARCLAY AVE SAN DIEGO, CA 92120	Bankruptcy No. 09-12074-LT13 Date: 02/10/10 Time: 02:00 P.M. Dept: 2
Debtors.	

TRUSTEE OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

DAVID L. SKELTON, TRUSTEE, the standing Chapter 13 Trustee, hereby objects to the confirmation of the Chapter 13 plan. The basis for the objection is:

1-1. The Plan provides for payments over a period exceeding five years (or exceeding 3 years without cause). [1322(a)] **INDEFINITE LENGTH**

2-3. The debtors have failed to apply all projected disposable income to the Plan for a period of not less than three years. [1325(b)(1)(B)] **SCHEDULE J HAS \$1568.00 AVAILABLE FOR PLAN PAYMENT BUT NO PAYMENT PROVIDED FOR IN PLAN. NO PROOF OF INCOME – NEED P & L'S, BANK STATEMENTS, TAX RETURNS, BUSINESS QUESTIONNAIRE. B22 IS TOTALLY WRONG. AUTO ON SCHEDULE J BUT NO AUTO EXCLUDED.**

3-5. The Plan discriminates unfairly against classes of unsecured claims. [1322(b)(1)]

4-6. The debtors are distributing less to the allowed unsecured creditors than they would receive under a Chapter 7 liquidation.[1325(a)(4)] **NOTHING IN SCHEDULE C**

5-7. The Plan: (a) has not been accepted by each secured creditors; OR, (b) does not provide the debtors are to surrender collateral to non-consenting lien creditors; OR, (c) fails to provide non-consenting creditors will retain lien against collateral AND the value to be paid each non-consenting lien creditor is less than allowable amount of claim. [1325(a)(5)]

6-8. The debtors have no ability to make the payments proposed by the Plan. [1325(a)(6)] The debtors have no regular income. [109(e)] **NO PROOF OF INCOME**

7-9. The Plan is incomprehensible or internally inconsistent and the trustee cannot administer it in its current format. **TRUSTEE CANNOT ADMINISTER – NO PAYMENT**

8-10. The Plan is not proposed in good faith or does not comply with Code provisions. **PRIOR CASE 0907315 DISMISSED 2 MONTHS PRIOR TO THIS CASE BEING FILED. DEBTORS STRONGLY ADVISED TO GET ATTORNEY. REQUEST DISMISSAL.**

9-11. The debtors have failed to begin making payments prescribed in the Plan within 30 days of the filing of the Plan. [1326(a)(1)]

/s/ David L. Skelton

DAVID L. SKELTON, TRUSTEE

I hereby certify under penalty of perjury that I served a true copy of this Objection to Plan on the attorney for the debtors and the debtors by [] personal service at the 341 hearing room [xx] U.S. mail, postage prepaid:

Attorney for Debtors:

~PRO PER
DEBTOR ACTING AS OWN ATTORNEY
SAN DIEGO, CA 92101

DATE MAILED: October 5, 2009

/s/ Abbey O'Malley

Clerk for the office of David L. Skelton Trustee
525 B Street, Suite 1430
San Diego, CA 92101